

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-009811

06/16/2016

HONORABLE KAREN A. MULLINS

CLERK OF THE COURT
M Patrick
Deputy

RACHEL A TURLEY, et al.

SEAN K MCELENNEY

v.

LEO R BEUS, et al.

DAVID B ROSENBAUM

MARTIN A ARONSON
DANIEL G DOWD
KEITH L HENDRICKS
ROBERT J MILLER
SARA KATHRYN REGAN
JAY A ZWEIG

MINUTE ENTRY

The Court has considered Wilford R. and Nicole Cardon's Motion to Appoint a Special Master Relative Any Disputes as to the Receiver's Actions ("Wil Cardon's Motion"), Plaintiffs' Response to Wilford R. and Nicole Cardon's Motion to Appoint a Special Master Relative Any Disputes as to the Receiver's Actions, Opposition to Defendants' Motion to Appoint a Special Master, Wilford A. Cardon and Phyllis Cardon's Joinder in the Response and Opposition to Defendants' Motion to Appoint a Special Master, and Wilford R. and Nicole Cardon's Reply in Support of Their Motion to Appoint a Special Master. The Court decides the Motion without oral argument, in accordance with Ariz.R.Civ.P. 7.1(c)(2) and Rule 3.2(d), Superior Court Local Rules—Maricopa County.

The appointment of a special master is limited by Ariz.R.Civ.P. 53(a)(1) to three circumstances, none of which apply here. First, there is no consent to perform the duties proposed in Wil Cardon's Motion, under subsection (1)(A). Second, no request is made to hold trial proceedings or make or recommend findings of facts and conclusions of law on issues to be decided by the court without a jury, under subsection (1)(B). And third, the issues which Wil

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-009811

06/16/2016

seeks to have the special master decide are not pretrial matters but rather constitute substantive oversight of an already appointed receiver, and thus do not fall under subsection (1)(C).

In addition, to the extent the appointment of a special master could be considered to fall under subsection (1)(C) or otherwise be discretionary, the Court declines to exercise its discretion. The appointment of a special master to oversee a previously appointed receiver, appointed after consideration of that receiver's extensive experience and after the posting of a bond, makes no sense. A special master and a receiver have fundamentally different roles; a special master is not qualified to oversee a receiver and is fundamentally inconsistent with the Receiver's role in this case as set forth in the order appointing the receiver.

IT IS ORDERED denying Wilford R. and Nicole Cardon's Motion to Appoint a Special Master Relative Any Disputes as to the Receiver's Actions.